

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Barbara McCarty,	:	
Petitioner,	:	
	:	
v.	:	File No. 2:04-CV-321
	:	
Vermont State Mental	:	
Hospital, Paul Jarris,	:	
Commissioner, Vermont	:	
Department of Health,	:	
Respondent.	:	

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed September 20, 2006. Objections were filed October 3, 2006. After careful review of the file and the Magistrate Judge's Report and Recommendation, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The petitioner's motion for a stay (Paper 40) is **DENIED** and her petition for a writ of habeas corpus (Paper 7) filed pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice for lack of exhaustion. In addition, the respondents' motion for summary judgment (Paper 35) is **DENIED** as moot.

Dated at Burlington, in the District of Vermont, this 11th day of October, 2006.

/s/ William K. Sessions III _____
William K. Sessions III
U. S. District Judge